

**In the
Indiana Supreme Court**

Anthony WADE,
Appellant,

v.

TEREX-TELELECT, INC.,
Appellee.

Cause No. 29S05-1209-CT-557



ORDER

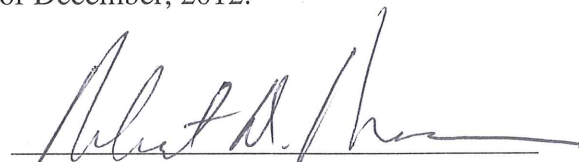
Oral argument is set in this appeal for January 3, 2013. On December 27, 2012, the appellee, Terex-Telelect, Inc. ("Terex"), filed "Appellee's Motion To Prevent Use of Oversized Exhibits at Oral Argument."

Apparently, the appellant, Anthony Wade, intends to bring certain exhibits to the oral argument. These exhibits include a "double man utility bucket," a bucket liner, and an exemplar bucket liner. Each of these items is approximately four feet wide by four feet tall by two feet deep. Terex objects to these items being brought to the oral argument on grounds the size of the exhibits will improperly emphasize them and will be distracting. In addition, Terex notes that photos of the exhibits are already in the appendix. Wade has not filed a written response to this motion, but a paralegal has confirmed in a telephone conversation with the Administration Office that Wade does intend to bring the exhibits to the oral argument.

Appellate Rule 53(F) contemplates that physical exhibits might be used at oral argument, but in this instance, we are persuaded that the size of these items will be disruptive to the proceedings and, because photographs of the items are in the appendix, the presence of the items themselves is not necessary for Wade to present an effective appellate argument. Being duly advised, the motion is GRANTED. Both parties are directed not to bring any physical exhibits to the oral argument.

The Clerk is directed to send a copy of this order to counsel of record and to post this order to the Court's website.

Done at Indianapolis, Indiana, this 31st day of December, 2012.


Acting Chief Justice

All Justices concur.